

processor readable code for causing a computer to display results by permitting a user to select from at least [three] four different results viewing options including: a viewing option displaying those invitees that are available, a viewing option displaying those invitees that are not available, [and] a viewing option displaying those invitees whose schedule could not be found, and a viewing option displaying all invitees, and then displaying the results according to the viewing option selected.

REMARKS

The Office Action mailed July 27, 2000 has been reviewed and, in view of the following comments, reconsideration and allowance of all of the claims pending in the application are respectfully requested.

I. Status of the Claims

Claims 1, 2, 4-7, 13, and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang in view of Hotaling (US 5,124,912). Claims 3, 8, 14, and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang and Hotaling further in view of Sisley. Claims 9, 11, 15, and 19 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang and Hotaling further in view of Cree. Finally, claims 10, 12, 16, and 20 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang and Hotaling further in view of Schloss.

II. Rejection of Claims 1, 2, 4-7, 13, and 17 under 35 U.S.C. § 103(a)

Claims 1, 2, 4-7, 13, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,016,478 to Zhang *et al.* ("Zhang") in view of U.S. Patent No. 5,124,912 to Hotaling *et al.* ("Hotaling"). This rejection is respectfully traversed for the reasons which follow.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings. The teaching or suggestion to make the claimed combination must be found in the prior art, and not be based on applicant's disclosure. See M.P.E.P. §§2143.01 and 2143.03.

In a proper obviousness determination, the changes from the prior art must be evaluated in terms of the whole invention, including whether the prior art provides any teaching or suggestion to one of ordinary skill in the art to make the changes that would produce the claimed invention. See *In re Chu*, 36 USPQ2d 1089, 1094 (Fed. Cir. 1995). This includes what could be characterized as simple changes. See, e.g., *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (Although a prior art device could have been turned upside down, that did not make the modification obvious unless the prior art fairly suggested the desirability of turning the device upside down.).

Only when the prior art teaches or suggests the claimed invention does the burden fall on the applicant to rebut that *prima facie* case. See *In re Dillon*, 16 USPQ2d 1897, 1901 (Fed. Cir. 1990) (in banc), *cert. denied*, 500 U.S. 904 (1991). However, a *prima facie* case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention.

The rejection of claims 1, 2, 4-7, 13, and 17 under 35 U.S.C § 103(a) as unpatentable over Zhang in view of Hotaling is respectfully traversed in that the references when combined do not disclose all of the limitations of the claimed invention. Moreover, there is no basis in the references from which it could be reasonably inferred that one of ordinary skill in the art would have been led or motivated to combine or modify the teachings of the references in the manner required to arrive at the claimed invention. Reliance on the above references is therefore not proper.

Zhang discloses an electronic group scheduling/calendar system. The group scheduling/calendar system provides methods for peer-to-peer group scheduling among users, including those users who only have simple e-mail support (i.e., do not have access to the group scheduling/calendar system itself). Under user control, the system generates a scheduling invitation and sends it to each invitee. The invitees then respond to the scheduling invitation and

indicate acceptance, denial, request rescheduling, or the like. The group scheduling system parses the reply messages automatically to extract scheduling information therefrom, with the appropriate information automatically included in the user's group scheduling calendar. *See Zhang*, abstract.

In contrast, the present invention involves an automated system for allowing a user to determine the availability of invitees during a specified time interval based on database profiles including the respective invitees available and unavailable times. The system then allows the user to view the results in any one of at least three viewing option formats. The system taught by Zhang does not include such database(s) for storing invitee profiles of available and unavailable times, or a results display which allows the user to view the results in any one of at least three viewing option formats.

In the system taught by Zhang, the above described "group scheduling database" relied on in the Office Action to teach the claimed database means stores information parsed from manually sent, invitee reply messages which only reflects the acceptance, denial, request for rescheduling, *etc.* of the invitee. The group scheduling database does not store invitee profiles including available and unavailable times for the respective invitees which are then gathered to determine if the respective invitees are available at the requested time, as required by the present independent claims. Rather, the group scheduling database stores information received from the requested invitees in response to a scheduling invitation.

As such, Zhang does not teach, or fairly suggest a database storing invitee profiles, the determination of invitee availability based on those profiles, or at least three results viewing options. In fact, the Examiner states that Zhang "does not disclose the listing of available, unavailable and not found attendees.." *Office Action, Paper No. 7* at page 3. However, the Office Action asserts that Hotaling discloses this viewing feature. *See id.*

Hotaling discloses a meeting management device of a computer system which determines a meeting date and time for a specified group of invitees within a set of specified time parameters. A subset of the invitees are designated as critical along with any specified pieces of equipment and desired meeting sites. Remote from personal calendars of the invitees, the device

compares available dates and times of each critical invitee with each other and that of any critical pieces of equipment and meeting sites. The comparison determines common available dates and times in which to schedule the meeting. *See Hotaling*, abstract.

Hotaling discloses a Detail Results Screen (as shown in Figs. 2 and 11) that includes an “Available” column which indicates whether the invitees are available during the specified time parameter. Each invitees’ “Available” column indicates a “Y” if they are available, an “NC” if they are non-critical participants, and an “NP” if they are not participating in the meeting management service. *See Hotaling*, col. 9, ln. 46 - col. 10, ln. 10. However, Hotaling only discloses a single viewing option which displays all invitees.

The Office Action states that “[i]t would have been obvious to add this feature to Zhang since a listing is given in Fig. 7A of Zhang which shows details o participants but not to the extent of Hotaling. The simple addition of symbols to the listing would be obvious.” *Office Action, Paper No. 7*, at 3-4. In this regard, even if the “simple addition of symbols” taught by Hotaling were incorporated into the calendar system of Zhang, such a combination would not result in the claimed invention. Hotaling only discloses one single viewing option which displays all invitees and indicates whether they are available, non-critical, non-participating, *etc.* As such, the references when combined still fail to disclose at least four different results viewing options including an option which displays available invitees, an option which displays unavailable invitees, an option which displays invitees whose schedules could not be found, and an option which displays all invitees.

Further, neither of the references, either taken alone or in combination, provide motivation to one of ordinary skill to modify the teachings of the references to arrive at the claimed invention. Neither of the references suggest the desirability of viewing options which separately display all invitees, available invitees, unavailable invitees, and invitees whose schedules cannot be found.

For at least these reasons, Applicants submit that the claims are patentable over Zhang in view of Hotaling. As such, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 3, 8, 14, and 18 under 35 U.S.C. § 103(a)

Claims 3, 8, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang and Hotaling, further in view of U.S. Patent No. 5,467,268 to Sisley et al. (“Sisley”). This rejection is respectfully traversed and allowance of claims 3, 8, 14, and 18 is respectfully requested.

Sisley discloses a system and method for assigning and scheduling resource requests to resource providers using a modified "best-first" search technique which preferably takes into account estimated travel times. However, Sisley does not cure the deficiencies of Zhang and Hotaling, particularly regarding the viewing options. Accordingly, the present claims are patentable over Zhang in view of Sisley for the same reasons detailed above.

IV. Rejection of Claims 9, 11, 15, and 19 under 35 U.S.C. § 103(a)

Claims 9, 11, 15, and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang and Hotaling, further in view of US Patent No. 4,866,611 to Cree *et al.* (“Cree”). This rejection is respectfully traversed and allowance of claims 3, 8, 14, and 18 is respectfully requested.

Cree discloses an electronic calendaring method for use in a data processing system in which calendar entries that have been made for the same time span independently on two different copies of the calendar can be automatically and interactively reconciled. In the preferred embodiment, Cree teaches that the calendar entries for the electronic calendaring system can have predefined categories, including a “Not Normal Work Hours” category. However, Cree does not disclose a calendaring system for scheduling time intervals among a plurality of users or at least three viewing options. Thus, Cree does not cure the deficiencies of Zhang and Hotaling, particularly with regard to the viewing options. Accordingly, it is respectfully submitted that the present claims are patentable over Zhang and Hotaling in view of Cree for the same reasons detailed above.

V. Rejection of Claims 10, 12, 16, and 20 under 35 U.S.C. § 103(a)

Finally, claims 10, 12, 16, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang and Hotaling, further in view of US Patent No. 5,692,125 to Schloss et al. ("Schloss"). This rejection is respectfully traversed and allowance of claims 10, 12, 16, and 20 is respectfully requested.

Schloss discloses a system and method that schedules one or more events or event groups subject to certain conditions. The events are checked at a scheduling time to insure that certain fixed conditions associated with the events are satisfied. The events are also checked at one or more times, between scheduling time and a performance time, to determine whether certain dynamic conditions associated with the events are satisfied. If the dynamic conditions are satisfied, the events are confirmed for performance. If one or more of the dynamic conditions are not satisfied, the events are adjusted.

However, Schloss does not disclose a system or method for scheduling a time interval among a plurality of users or at least three viewing options. Rather, Schloss discloses a system and method for scheduling an event or group of events for a single user based on certain conditions. Schloss does not cure the deficiencies of Zhang and Hotaling. Accordingly, it is respectfully submitted that the present claims are patentable over Zhang and Hotaling in view of Schloss for the same reasons detailed above.

CONCLUSION

In view of the foregoing, the application is believed to be in condition for allowance and notification thereof is respectfully requested. Should any outstanding issues remain, the Examiner is invited to telephone the undersigned at (202) 955-1894.

It is believed that no additional fees are required. However, in the event that any additional fees are due in connection with filing this amendment, the Commissioner is hereby authorized to charge all required fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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